



BEFORE READING FURTHER:

This brochure only pertains to the Maryland Wage and Hour Law, which does not exempt employers from the requirements of the Federal Fair Labor Standards Act. For more information on the requirements of the Fair Labor Standards Act please visit: www.dol.gov.



Department of Labor, Licensing and Regulation
Division of Labor and Industry
Employment Standards Service

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Maryland Wage and Hour Amusement and Recreational Establishment Exemptions

- Helping employers know which employees are exempt from minimum wage and overtime requirements under Maryland law.



Learn more about Maryland's Wage
and Hour Law by going to:

<http://www.dllr.maryland.gov/labor/wages/wagehrfacts.shtml>

Which employers are exempt?

Only employers that are an amusement or a recreational establishment, including a swimming pool, can apply this exemption if the employer

- Operates less than 7 months,
OR
- Generates at least two-thirds of their average receipts during any 6 months of the preceding year and less than one-third of their average receipts during the remaining 6 months

What is an exempt employer required to pay employees?

Exempt employers must pay employees at least 85% of the State minimum wage or \$7.25, whichever is higher.

Exempt employers are not required to pay employees overtime. However, employees must receive the above sub-minimum wage for every hour worked.



What are amusement and recreational establishments?

Amusement and recreational establishments are facilities that primarily offer amusement and recreational activities to customers. This includes facilities that offer gambling and sports activities.

However, businesses that primarily offer other services but may have some amusement or recreational activities on site are not exempt. For example, a hotel is not considered an amusement or recreational establishment because the primary service offered is accommodation, not amusement and recreation activities.

Some businesses may have multiple establishments within the same property. Establishments are considered separate if both can operate independently of the other. For example, a restaurant at a ski lodge may be considered a separate establishment from the ski rental and ticket facility because the restaurant can operate independently of the ski rental facility. However, a concession stand within a recreational facility may not be considered a separate establishment because it does not operate independently from the recreational activity.



What if an employer is unsure if they qualify for the amusement and recreational establishment exemption?

Any employer with questions regarding the use of this exemption should contact the Maryland Employment Standards Service unit within the Maryland Department of Labor, Licensing and Regulations.

Employment Standards Service representatives can answer specific concerns an employer may have and provide additional guidance on complying with the Maryland Wage and Hour Law. Employers can email, call, or meet a representative in person to resolve any questions or concerns.

Contact information for the Employment Standards Service unit is located on the back of this brochure.

